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Letter dated 6 October 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to write to you regarding the financing of the Special Court for Sierra Leone. It has come to my attention that the Court will run out of funding this month and that the voluntary contributions necessary for the Court to complete its work cannot be found.

The Court was established at the request of the Security Council by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone. The mandate of the Court is to prosecute persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

The Court is funded from voluntary contributions, although financing through assessed contributions is a more viable and sustainable financial mechanism to ensure secure and continuous funding. I, the Management Committee, and the Registrar and other senior officials of the Court have made various appeals for funding for the Court. Despite these efforts, there will not be sufficient voluntary contributions for the completion of the work of the Court.

As you are aware, article 6 of the Agreement provides that should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court. Immediate steps need to be taken pursuant to this provision. I wish to propose to members of the Council that one way of addressing the shortfall would be for all of the costs of the Court to be provided by assessment while preserving the independent nature of the Court. A severe shortfall in funding for the Court was addressed similarly during the biennium 2004-2005.

The Court has carried out its mandate successfully thus far despite its perennial funding problems, having prosecuted and convicted eight persons, who are now serving their sentences. The possibility of the Court running out of funds is of particular concern because the Court is currently conducting its final case, the trial of the former President of Liberia, Charles Taylor. It is currently projected that the trial and any appeal would be completed in early 2012. A collapse of this trial due to lack of funding would raise very substantial issues for the international community. At risk would be the legacy of the Court and the progress that has been made

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towards ensuring accountability and restoring peace and security in Sierra Leone and the region.

The shortfall for the period from November 2010 until the closure of the Court in early 2012 will be in the region of $18.4 million.

The Security Council may wish to invite me to bring the matter to the attention of the General Assembly with a view to seeking the appropriation of funds for the Court, while preserving the independence of the Court.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon